

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LOCAL 355 UNITED SERVICE WORKERS
UNION, INTERNATIONAL UNION OF
JOURNEYMEN AND ALLIED TRADES;
UNITED WELFARE FUND – SECURITY
DIVISION AND THE TRUSTEES THEREOF;
UNITED WELFARE FUND – WELFARE
DIVISION AND THE TRUSTEES THEREOF,

ORDER ADOPTING R & R
15-CV-654 (DRH)(AKT)

Petitioners,

-against-

CERTIFIED CLIMATE CONTROL SYSTEMS,
INC., D/B/A CERTIFIED ENGINEERING,

Respondent.

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HURLEY, Senior District Judge:

Petitioners commenced this action against respondent seeking to confirm a labor arbitration award dated November 7, 2014 against respondent. Respondent failed to answer the petition and petitioner moved for a default judgment. By Order dated April 13, 2015, the Court referred the motion to U.S. Magistrate Judge A. Kathleen Tomlinson, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation. On February 10, 2016, Judge Tomlinson issued a Report and Recommendation (“R&R”) that default judgment be entered against respondent confirming the award in its entirety, awarding the full amount of the arbitration award, \$8,605.79, plus costs in the amount of \$489.00 and pre-judgment interest on the \$4,468.00 in unpaid contribution at a rate of 1.5% per month from November 7, 2014 through the date of judgment. The R&R was served on respondent on February 11, 2016. More than fourteen days have elapsed since service of the R&R and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report

and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Thus, the Court adopts the February 10, 2016 R&R of Judge Tomlinson as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that judgment be entered against respondent confirming the November 7, 2014 arbitration award of Arbitrator Shriftman in its entirety and awarding petitioners the full amount of the arbitration award, \$8,605.76, plus \$489.00 in costs, and prejudgment interest on the \$4,468.00 in unpaid contributions calculated at the rate of 1.5% per month from November 7, 2014 through the date of the judgment.

Dated: Central Islip, N.Y.
March 1, 2016

/s/

Denis R. Hurley,
United States District Judge